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Patent  
Attorney's Docket No. 017753-150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                             |   |                          |
|-----------------------------|---|--------------------------|
| In re Patent Application of | ) |                          |
|                             | ) |                          |
| Michel KOEHL et al.         | ) | Group Art Unit: 1648     |
|                             | ) |                          |
| Application No.: 09/914,036 | ) | Examiner: Stacy S. Brown |
|                             | ) |                          |
| Filed: December 10, 2001    | ) | Confirmation No.: 8634   |
|                             | ) |                          |
| For: METHOD FOR OBTAINING A | ) |                          |
| PURIFIED VIRAL PREPARATION  | ) |                          |

AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
APR 07 2003  
TECH CENTER 1600/2900

Sir:

Enclosed is a reply for the above-identified patent application.

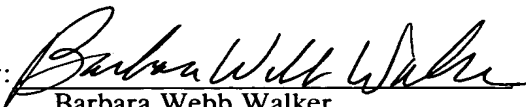
☒ No additional claim fee is required.

☐ Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
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Date: April 4, 2003

(02/03)



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**RESPONSE TO OFFICE ACTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed March 4, 2003, requiring restriction under 35 U.S.C. §§ 121 and 372, applicants elect the claims of Group I, claims 1-8 and 11-16, which are drawn to a method for purifying a crude viral preparation containing viral particles of interest with **traverse**. However, Applicants urge that the requirement for restriction is improper and respectfully request that it be withdrawn.

The two inventions which are asserted to lack unity are "a method for purifying a crude viral preparation containing viral particles of interest," Group I, claims 1-8 and 11-16; and "a protocol for producing viral particles," Group II, claims 9, 10, 17 and 18. Claim 9 contains steps (i) and (ii). Step (ii) is directed to purifying said crude viral preparation according to claim 1.

Unity of invention is considered only in relation to the independent claims in an international application. See MPEP 1850 (August 2001) at 1800-61. Because claim 9 contains all the features of claim 1 and is the same category of claim, *i.e.*, a process, consideration of unity of invention as between claims 1 and 9 is improper. Therefore, Applicants respectfully request that the restriction requirement be withdrawn.

Should the Examiner have questions concerning the subject application or applicants' arguments above, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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